

# UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

---

In Re:

No. 00-156

RONALD BRASHER, LICENSEE OF  
PRIVATE LAND MOBILE STATIONS  
WPLQ202, WPCG967, WPL0495,  
WPKH771, WPKI739, WPKI733,  
WPKI707, WIL990, WPLQ45,  
WPLY658, WPKY903, WPKY901,  
WPLZ533, WPKI762 AND WPDU262,  
DALLAS/FORT WORTH, TEXAS, et al.

REVISED COPY

FCC-0ALJ RCD  
MAR 20 8 51 AM '00

Volume: 4  
Pages: 468 through 676  
Place: Washington, D.C.  
Date: February 28, 2001

---

## HERITAGE REPORTING CORPORATION

*Official Reporters*  
1220 L Street, N.W., Suite 600  
Washington, D.C. 20005-4018  
(202) 628-4888  
hrc@concentric.net

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In Re: )  
 ) No. 00-156  
RONALD BRASHER, LICENSEE OF )  
PRIVATE LAND MOBILE STATIONS )  
WPLQ202, WPCG967, WPL0495, )  
WPKH771, WPKI739, WPKI733, )  
WPKI707, WIL990, WPLQ45, )  
WPLY658, WPKY903, WPKY901, )  
WPLZ533, WPKI762 AND WPDU262, )  
DALLAS/FORT WORTH, TEXAS, et al. )

Federal Communications Commission  
445 12th Street, S.W.  
Room TW-A-363  
Washington, D.C. 20554

Wednesday,  
February 28, 2001

The parties met, pursuant to the notice of the  
Judge, at 9:10 a.m.

BEFORE: HONORABLE ARTHUR I. STEINBERG  
Judge

Heritage Reporting Corporation  
(202) 628-4888

## APPEARANCES:

On behalf of Ronald Brasher,  
Patricia Brasher, Estate of O.C.  
Brasher, Metroplex Two Way Radio and DLB

MARK W. ROMNEY, ESQUIRE  
Vial, Hamilton, Koch & Knox  
1717 Main Street, Suite 4400  
Dallas, Texas 75201-7388  
(214) 712-4400

MICHAEL L. HIGGS, JR., ESQUIRE  
Schwaninger & Associates, P.C.  
1331 H Street, N.W., Suite 500  
Washington, D.C. 20005  
(202) 347-8580

On Behalf of David and Diane Brasher:

K. LAWSON PEDIGO, ESQUIRE  
Fulbright & Jaworski LLP  
2200 Ross Avenue, Suite 2800  
Dallas, Texas 75201  
(214) 855-8184

RONNIE WILSON, ESQUIRE  
100 North Central Expressway, Suite 1211  
Richardson, Texas 75080  
(972) 699-0041

On Behalf of the Federal  
Communications Commission:

JUDY LANCASTER, ESQUIRE  
Federal Communications Commission  
Enforcement Bureau  
445 12th Street, N.W.  
Washington, D.C. 20554  
(202) 418-7584

WILLIAM H. KNOWLES-KELLETT, ESQUIRE  
Federal Communications Commission  
Enforcement Bureau  
1270 Fairfield Road  
Gettysburg, Pennsylvania 17325  
(717) 338-2505

Heritage Reporting Corporation  
(202) 628-4888

470

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Ronald Brasher	476	538 612 634	647	671	597

Heritage Reporting Corporation  
(202) 628-4888

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Enforcement Bureau:</u>			
EB-69	537	537	
<u>Ronald Brasher/Patricia Brasher:</u>			
RB/PB-1	549	595	
RB/PB-2	597	601	
RB/PB-3	614	614	

P R O C E E D I N G S

(9:10 a.m.)

JUDGE STEINBERG: On the record.

As a preliminary matter, I took a look at -- obviously, the appearance of the power of attorney disturbed me a little yesterday and I took a look at the Enforcement Bureau's first document request to Ronald Brasher, which is dated October 27, 2000, and there's a section on definitions and there's a section on instructions and instruction G states "Unless otherwise stated, the timeframe for all document requests is from January 1, 1996 to the present."

And the power of attorney, the cover letter is dated March 5, 1992 and the power of attorney appears to be signed on January 16, 1992, so the power of attorney appears to be outside the scope of the document request, outside the timeframe of the document request. However, it seems to be clearly covered by request number 34, if not other requests.

So I believe I owe Mr. Higgs and Mr. Schwaninger an apology for coming down so hard on them yesterday with respect to the power of attorney and it looks like it wasn't covered in the document request and therefore you had no obligation to exchange it and Mr. Romney pointed out yesterday that during the course of the deposition the only documents that were promised were court orders.

Is that correct, Mr. Romney?

1           MR. ROMNEY: That's my understanding, sir, of the  
2 document request at the deposition. I believe also in the  
3 January 17, 2001 letter that was sent following those  
4 depositions asking for a copy of the court order naming  
5 Ronald Brasher the executor, or a copy of the court order  
6 naming Ronald Brasher the guardian or administrator of the  
7 estate, there were specific --

8           Now, in fairness to the Enforcement Bureau, we're  
9 honestly not trying to hide the ball here and I do want to  
10 explain to the Court just so there are no hard feelings  
11 about this because of the fact that we asked Mr. Brasher  
12 apparently to just give us whatever he had and I don't know  
13 if Mr. Brasher has an appreciation for the difference and  
14 the distinctions between these various types of document  
15 categories.

16           When I looked at that on Saturday for the first  
17 time and Mr. Schwaninger looked at it on Saturday for the  
18 first time, we know that that is much more operative of a  
19 document than those probate records and that's why we  
20 brought it and that's why I had copies here ready to go.  
21 There's not an intent to lay behind a log on this. It is  
22 arguably not covered, but we just want Your Honor to have  
23 everything that we can give you and to the Enforcement  
24 Bureau to substantiate what Mr. Brasher has already  
25 testified about, his state of mind, why he thinks he has the

1 ability to sit down and write somebody's name like that  
2 who's dead.

3 MS. LANCASTER: Your Honor, if I might briefly  
4 respond.

5 The reason that the request was for court orders  
6 or probate orders was because Mr. Brasher continually  
7 testified that he gained his authority to sign the name of  
8 O.C. Brasher and possibly Ruth Bearden because he was the  
9 executor of their estate. The executor would only -- he  
10 could only become an executor through a probate court order,  
11 so we followed upon the information and the testimony as it  
12 was presented to us.

13 I believe it was incumbent upon Mr. Brasher if he  
14 wanted to say that he got that authority through some other  
15 document to make us aware of that. We can't guess every  
16 document in the universe. Not that he got the authority,  
17 but if he was relying on some other document, don't tell us  
18 continually that he gained this supposed authority through  
19 an executorship.

20 JUDGE STEINBERG: Well, you can certainly point  
21 that out when you write your findings and conclusions, that  
22 there was inconsistent testimony or the testimony at the  
23 deposition differed from the testimony here, et cetera,  
24 et cetera, and that would go to credibility and stuff like  
25 that. But I think I came down fairly hard on Mr. Higgs and

1 Mr. Schwaninger yesterday and I apologize and please convey  
2 my apologies to Mr. Schwaninger.

3 MR. HIGGS: Thank you, Your Honor.

4 JUDGE STEINBERG: And perhaps I should have looked  
5 at the first document request before I spouted off. And if  
6 I'm wrong, I'm wrong. Everybody is wrong every now and  
7 then, I try to be more right than I am wrong. I usually am.  
8 But that's a self-serving statement, so I'll strike it.

9 Okay. Any other preliminary matters?

10 (No response.)

11 JUDGE STEINBERG: Let me just -- this is about the  
12 time in the hearing when I ask the witness, since things are  
13 kind of dragging, if you would please listen very carefully  
14 to the questions that Ms. Lancaster is asking and only  
15 answer those questions and don't elaborate, don't expand,  
16 don't explain, unless Ms. Lancaster asks you to. And, of  
17 course, when Mr. Romney examines you, he can give you an  
18 opportunity to explain answers that you gave to  
19 Ms. Lancaster.

20 And I think if you would just listen very  
21 carefully to the questions and just answer that specific  
22 question, we could get you out of here a lot quicker.

23 MR. BRASHER: All right, sir.

24 JUDGE STEINBERG: Okay?

25 Anybody have any objection to my expressing that?

1 Because this is about the time of the hearing that this  
2 usually happens.

3 MR. ROMNEY: Well, Your Honor, I would just have  
4 to defend my client. I think he's answering the questions  
5 that have been asked. Perhaps there have been some  
6 elaboration, but it certainly has not been objected to by  
7 counsel for the Enforcement Bureau and I think in her  
8 interests she wants to get the whole story out here.  
9 Frankly, it cuts down on our cross or our part of his  
10 testimony, so it's going to come out one way or the other.

11 JUDGE STEINBERG: Oh, I know. But it might come  
12 out a lot more quickly and more efficiently if we just keep  
13 the answers to the answers to the questions without going  
14 into other things.

15 Okay. Ms. Lancaster?

16 MS. LANCASTER: Yes, sir.

17 Whereupon,

18 RONALD BRASHER

19 having been previously duly sworn, was recalled as  
20 a witness herein and was examined and testified further as  
21 follows:

22 DIRECT EXAMINATION (RESUMED)

23 BY MS. LANCASTER:

24 Q Mr. Brasher, I want to ask one follow-up question  
25 regarding the Sumpters' licenses. By the Sumpters'

1 licenses, again, let me explain that I'm talking about the  
2 licenses that were acquired in 1996 in the names of Jim  
3 Sumpter, Norma Sumpter, Melissa Sumpter and Jennifer Hill.

4 All of those stations that resulted from those  
5 licenses, all of those stations were constructed. Is that  
6 correct?

7 A They were constructed.

8 Q All of the stations were operated. Is that  
9 correct?

10 A Were operated.

11 Q Are all of the stations still in operation?

12 A No.

13 Q Which, if any, are not operable at this time?

14 A Norma's and Melissa's.

15 Q When was Norma's station taken off of the air?

16 A Approximately 2/7, 2/10 of 1997.

17 Q How about Melissa's? Was it turned off?

18 A Yes.

19 Q And when was it turned off?

20 A The same time.

21 Q Jim's station and Norma's station are still in  
22 operation.

23 A No. Norma's and Jennifer's.

24 Q Oh, I'm sorry. Jim's and Melissa's -- Jim's and  
25 Jennifer's are still in operation.

1           A     Correct.

2           Q     I'm sorry. O.C. Brasher station, is that still in  
3     operation?

4           A     At that time, it was. I do not know now.

5           Q     As of the date that you retired from DLB, was it  
6     still operation?

7           A     It was. Yes.

8           Q     Did you assist Carolyn Sue Lutz in acquiring an  
9     FCC license?

10          A     Carolyn Lutz requested through Pat that she be --  
11     because Norma was getting one and the sisters, Norma and  
12     Sue, talks together quite a bit and she knew that Sumpters  
13     were getting one, she asked Pat. I did not ask her up  
14     front. Asked Pat if she could get one. Pat asked me and  
15     then I asked Sue.

16          Q     My question was did you assist Sue in obtaining a  
17     license?

18          A     No.

19          Q     Did you personally ask Sue Lutz if she wanted to  
20     get an FCC license?

21          A     Correct.

22          Q     When did you ask her?

23          A     The day after Pat asked me to ask her, which is  
24     the first part of '96.

25          Q     Had she had an FCC license in the past?

1           A     Yes.

2           Q     Prior to that time. Had you assisted her in  
3 obtaining that prior FCC license?

4           A     I do not know if I assisted her or not on that.  
5 I knew she knew where to get the license from and I may have  
6 gave her the contacts through John Black, but assisting like  
7 that probably.

8           Q     Did you have anything to do with the license that  
9 she had held previously?

10          A     No, because she left the company between the time  
11 that the application -- it wasn't a license -- arrived to  
12 her.

13          Q     If I understand what you just said, she applied  
14 for the prior license while working at DLB. Is that  
15 correct?

16          A     That's correct.

17          Q     And then she left and went to another employer  
18 prior to actual receipt of the license itself?

19          A     I don't know if she even received a license.  
20 I know she left between that period of time.

21          Q     Do you know anything about that prior license?

22          A     No.

23          Q     What type of license it was?

24          A     I think it was a 900.

25          Q     Okay. And do you recall what year she applied for

1     that license?

2           A     Part of '94, '95, first part of '95, along through  
3     there.

4           Q     Now, I believe you just stated that in 1996 you  
5     asked Carolyn if she would like to get a license in her  
6     name.

7           A     No. Carolyn asked Pat --

8           Q     No, I don't want to cut you off, but did you ask  
9     Carolyn if she would like to have a license?

10          A     Correct.

11          Q     So when did you do that?

12          A     First part of 1996.

13          Q     And what did she say?

14          A     She said yes, she did not mind.

15          Q     All right. Did you then help her obtain a license  
16     in her name? In 1996.

17          A     What do you mean by help, now?

18          Q     Help her in any way.

19          A     Only thing she did was type her name on a list  
20     with everybody else and sent to John Black for a license.

21          Q     So the extent of your help was that you included  
22     her name on the list that you sent to John Black.

23          A     Correct.

24          Q     And John Black prepared an application in her  
25     name. Is that correct?

1           A     That's correct.

2           Q     Look at Exhibit 57. Pages 2 through 9 of Exhibit  
3 57, is that the application that was prepared by John Black  
4 at your direction?

5                     (Pause.)

6           MR. ROMNEY: I'm sorry. Could I hear the question  
7 again, please? Did you ask about pages --

8           JUDGE STEINBERG: Two through 9.

9           MR. ROMNEY: Two through 9?

10          JUDGE STEINBERG: Yes. It probably should be 2  
11 through 7.

12                     (Pause.)

13          JUDGE STEINBERG: Can you answer the question?

14          THE WITNESS: Yes. That is the application.

15          JUDGE STEINBERG: Okay. And this is page 2  
16 through 7?

17          MS. LANCASTER: Two through 9 is what I asked  
18 about, Your Honor.

19          JUDGE STEINBERG: Okay.

20          THE WITNESS: I have no -- 8 and 9, I'm not  
21 familiar with.

22                     BY MS. LANCASTER:

23          Q     Have you seen page 8 before?

24          A     No.

25          Q     How about page 9?

1 A No.

2 Q Have you seen that before?

3 A No.

4 (Pause.)

5 MS. LANCASTER: Your Honor, in examining page 8  
6 and 9, I believe they pertain to Ruth Bearden's license and  
7 we would ask that they be removed from this exhibit.

8 JUDGE STEINBERG: Well, are you going to do that  
9 with all the exhibits? Because these two pages appear all  
10 over the place.

11 MS. LANCASTER: Oh, really?

12 JUDGE STEINBERG: Oh, yes.

13 MS. LANCASTER: Okay.

14 JUDGE STEINBERG: Let's just leave it in there.

15 MS. LANCASTER: Okay. We'll just leave it and we  
16 just won't ask --

17 JUDGE STEINBERG: I don't like to physically  
18 remove stuff.

19 MS. LANCASTER: Okay.

20 JUDGE STEINBERG: Just leave it in there. No.  
21 She's all over the place. These two pages are in  
22 virtually -- I'm not going to say every exhibit, but --

23 MS. LANCASTER: They weren't supposed to be.

24 JUDGE STEINBERG: Well, I didn't think they were,  
25 but it wasn't my place to take them out. We have the

1 testimony that the witness has never seen these two pages  
2 before, so --

3 MS. LANCASTER: Okay.

4 BY MS. LANCASTER:

5 Q Pages 2 through 7 are the application as prepared  
6 by Mr. Black?

7 A That's correct.

8 Q Okay. On page 3 of Exhibit 57 there appears the  
9 signature of Carolyn Sue Lutz and the date is 6/18/96. Did  
10 Ms. Lutz sign her name there?

11 A I'm sure she did.

12 Q Did you see her sign her name?

13 A I did not see her sign that.

14 Q Okay. Do you know who put the date on the  
15 application?

16 A I assume Sue did. I did not see that either.

17 Q Okay. Page 1 of Exhibit 57 is a check written on  
18 the Brasher account payable to the FCC for \$75 purportedly  
19 signed by Patricia Brasher with a notation Carolyn Sue Lutz  
20 on that check.

21 Do you know anything about that check?

22 A No, ma'am.

23 Q Does that appear to be Patricia Brasher's  
24 signature on the check?

25 A With the ability of Susan and other people to sign

1 her name like that, I wouldn't swear to it.

2 JUDGE STEINBERG: Let me just ask. You have a  
3 checkbook and the checkbook -- well, this check here on page  
4 1, on the top it says Brasher. And is this a personal  
5 account of yours or a business account?

6 THE WITNESS: It's a business account.

7 JUDGE STEINBERG: Now, do you know who has  
8 authority to sign checks on this account? Do you have  
9 authority?

10 THE WITNESS: I do not.

11 JUDGE STEINBERG: Patricia does?

12 THE WITNESS: Patricia does.

13 JUDGE STEINBERG: Does Ms. Lutz have authority to  
14 sign checks on this account?

15 THE WITNESS: I do not believe so.

16 JUDGE STEINBERG: Do you know if Ms. Lutz has in  
17 fact signed checks on the Brasher account?

18 THE WITNESS: Yes, sir.

19 JUDGE STEINBERG: I mean, have you seen her do it?  
20 Or have you seen checks that you know that she has signed?

21 THE WITNESS: Yes, I've seen them signed. Yes.

22 JUDGE STEINBERG: What name does she sign when she  
23 signs them?

24 THE WITNESS: Patricia A. Brasher.

25 JUDGE STEINBERG: So Ms. Lutz, to your personal

1 knowledge, Ms. Lutz signs checks on the Brasher account  
2 signing the name Patricia Brasher.

3 THE WITNESS: Yes, sir.

4 MS. LANCASTER: Your Honor, I believe there was  
5 prior testimony, correct me if I'm mistaken, but I believe  
6 Mr. Brasher testified earlier that Carolyn Lutz was  
7 sometimes given permission to sign Patricia Brasher's name  
8 to a check if Patricia Brasher or Diane Brasher were  
9 unavailable to sign a check and they needed a check for some  
10 reason, to go buy equipment or supplies or something to that  
11 matter.

12 BY MS. LANCASTER:

13 Q Is that correct, Mr. Brasher?

14 A No, that's not correct.

15 Q That's not correct?

16 A No.

17 Q All right. Did you not testify that -- let me ask  
18 another question. As far as you know, has Carolyn Lutz ever  
19 signed Patricia Brasher's name to a check without the  
20 permission of Patricia Brasher to do so?

21 A I would not know that.

22 Q As far as you know, she has not, though. Is that  
23 correct?

24 A I would not know that.

25 Q So you don't know of any instance where she has.

1           A     Or has not either. I do not know.

2           Q     Did you not testify that when Carolyn Lutz or  
3     someone other than Patricia Brasher signs Patricia Brasher's  
4     name to a check that they put a little notation on the check  
5     indicating that it was signed by someone else?

6           A     I don't believe that was my deposition. I think  
7     it was somebody else's that said that.

8                   JUDGE STEINBERG: How about a little symbol?

9                   THE WITNESS: There was a symbol.

10                  BY MS. LANCASTER:

11           Q     A little symbol. Did you not testify that they  
12     put some kind of a little symbol on a check?

13           A     At times, I think they did, but I don't know what  
14     symbols and if they maintained that whole system through  
15     there.

16           Q     But you know that that does occur.

17           A     It had occurred.

18           Q     Okay. And do you see a symbol or a notation on  
19     this check that would indicate to you that someone other  
20     than Patricia Brasher signed the check?

21           A     I can't --

22           Q     Do you see a symbol or a notation on this check,  
23     Mr. Brasher?

24                   MR. ROMNEY: Objection. Asked and answered.  
25     Argumentative.

1 MS. LANCASTER: I don't believe it has been  
2 answered, Your Honor.

3 JUDGE STEINBERG: He didn't answer.

4 MS. LANCASTER: That's a yes or no question.

5 THE WITNESS: Do I see one?

6 BY MS. LANCASTER:

7 Q Yes, sir. Do you see one?

8 A I wouldn't recognize a symbol myself. I don't  
9 know what the symbols are. That's a symbol somebody else  
10 has worked out.

11 Q But you've seen symbols before.

12 A Yes.

13 Q Do you see the same type of symbol that you've  
14 seen before on this check?

15 A I do not.

16 MS. LANCASTER: Okay.

17 JUDGE STEINBERG: What type of symbol have you  
18 seen before?

19 THE WITNESS: A little yellow mark or a little  
20 check at the corners.

21 JUDGE STEINBERG: What about a little number 10 at  
22 the top over the date? Is that a symbol?

23 THE WITNESS: That could be. And I don't know  
24 what that symbol could be. It could be related to  
25 something.

1 BY MS. LANCASTER:

2 Q Did DLB and/or Metroplex pay the licensing fee to  
3 the FCC for Carolyn Lutz's license? For this license?

4 A Correct.

5 Q Okay. So you're not disputing that the fees were  
6 paid by DLB and/or Metroplex.

7 A No.

8 Q Turn to Exhibit 58, please. Is that the license  
9 that was issued in the name of Carolyn Lutz as a result of  
10 the application that we previously examined as being  
11 submitted to the FCC?

12 A Page 1 only?

13 Q Well, I'll ask you about all of the pages. Are  
14 you familiar with all of the pages?

15 A No, only the front page because Sue gave me a  
16 copy. These are what came with the FCC license that was  
17 sent to Sue.

18 JUDGE STEINBERG: Okay. Let me just explain.  
19 When Mr. Brasher was talking about receiving a copy from  
20 Ms. Lutz, you were talking about page 1.

21 THE WITNESS: Yes, sir.

22 JUDGE STEINBERG: And then when you said "this"  
23 came from blah, blah, blah, you were referring to pages 2  
24 through the end.

25 THE WITNESS: Yes, sir. Through to --

1 JUDGE STEINBERG: Through whatever the end is.

2 THE WITNESS: Through 7.

3 JUDGE STEINBERG: Okay.

4 THE WITNESS: Those I did not obtain or see.

5 BY MS. LANCASTER:

6 Q If you've not seen them, how do you know what they  
7 are?

8 A They come on every license that's issued to you  
9 and sent to you with the license itself.

10 Q Okay. So that's just --

11 A And I've seen them previously before.

12 Q Okay. So that's normal paperwork that would  
13 accompany each license from the FCC.

14 A That's correct.

15 Q Okay. And your testimony is that you did not get  
16 a copy of this additional paperwork, you simply got a copy  
17 of page 1 of Exhibit 58.

18 A That's correct.

19 Q Did you get a copy of page 1 of 58 or did you get  
20 the original?

21 A The copy.

22 Q Who has the original, as far as you know?

23 A Sue, as far as I know. Or Carolyn.

24 Q Okay. Let's look at Exhibit 60, please.

25 A I'm there.

1 Q Okay. This is an FCC Form 800A sent to Carolyn  
2 Lutz regarding call sign WPJR763. This is basically what is  
3 called a construct letter that would have gone regarding the  
4 license that we just identified. Is that correct?

5 A That's correct.

6 Q Have you ever seen this before?

7 A Correct.

8 Q Do you know if that is Carolyn Lutz's signature at  
9 the bottom of it?

10 A Yes, it is.

11 Q Did you have anything to do with filling out any  
12 of the information on this page?

13 A No, Sue knew how to fill that out. She typed it  
14 herself.

15 Q She typed it and she signed it?

16 A Yes, ma'am.

17 Q Did she give you a copy of it?

18 A Yes, ma'am.

19 Q Let's look at Exhibit 61. Do you recognize this  
20 document?

21 A Yes, ma'am.

22 Q It's an assignment of authorization transferring  
23 call sign WPJR763 from Carolyn Lutz to DLB/Metroplex. Is  
24 that correct?

25 A That's correct.

1 Q And it appears to have the signature of Carolyn S.

2 A Lutz with a date of 1/26/98.

3 Did Ms. Lutz sign this document?

4 A Yes, she did.

5 Q Did you see her sign it?

6 A Yes, I did.

7 Q Did you present her with the document for her  
8 signature?

9 A I did.

10 Q Did you complete all the typed in information on  
11 the document?

12 A No.

13 Q Who did that?

14 A Schwaninger & Associates.

15 Q And you presented it to her on January 26, 1998?

16 A I do not know that date, but we sent it to her and  
17 that's when she signed it.

18 Q Whatever day it was that you handed it to her,  
19 that's the date that she signed it?

20 A Not necessarily.

21 Q Okay. Do you recall?

22 A No, I do not.

23 Q But you said you did see her sign it.

24 A Yes.

25 Q What was the purpose of obtaining the license for

1 WPJR763?

2 A To construct a system in Allen.

3 Q Okay. And I believe if you look on Exhibit 58,  
4 the license indicates that there were 90 mobiles allowed  
5 under this license. Is that correct?

6 A That's correct.

7 Q Did you use this license in the business of DLB?

8 A Correct.

9 Q Did Carolyn Lutz use this license?

10 A Yes.

11 Q Okay. In what way?

12 A The radio equipment in her vehicle.

13 Q Okay. She had a radio in her car?

14 A Yes, ma'am.

15 Q Did she have a radio in her car prior to getting  
16 this license?

17 A No.

18 Q She did not?

19 A Did not.

20 Q Okay. She had one car radio? That's all?

21 A I think one. Yes. The reason I say I think,  
22 sometimes service managers and employees put things like  
23 that in different cars, but I think there was only one that  
24 I know of.

25 Q You have no reason to believe she had any more

1       than one, do you?

2           A       No reason to believe it, but it has happened.

3           Q       When you applied for this license on behalf of  
4       Carolyn Lutz, did you make it clear to Ms. Lutz that you  
5       intended to use this station in the business of DLB?

6           A       Correct. I did.

7           Q       Okay. And she agreed to that?

8           A       Yes.

9           Q       Did you offer her any compensation for the use of  
10       a license in her name?

11          A       Yes.

12          Q       What was that?

13          A       Radio equipment in her car and also her husband  
14       and kids, the two daughters she has, immediate family  
15       members.

16          Q       What was her response to that offer?

17          A       She just said okay, you know, there wasn't any do  
18       it now, do it anything else, she said okay.

19          Q       Okay. She never took you up on that, other than  
20       to have a radio put in her car?

21          A       Put in her car. No. As far as I know, we never  
22       put any in her daughter's car or anything. As far as  
23       I know.

24          Q       Ms. Lutz's station was constructed, wasn't it?

25          A       It was.